

**REMARKS**

Claims 43-52 are in the case, and reconsideration of the application is respectfully requested.

All of new claims 43-52 are directed to an apparatus or method allowing for user interaction with broadcast programming. One novel aspect to the present invention is that the user operates a handheld device such as a television remote control and is able to receive and transmit data independently of the broadcast programming. In other words, the broadcast transmission is not required to transmit the incoming or outgoing interactive data. Moreover, in accordance with the one embodiment of the present invention, the visual presentation of the incoming data on the TV remote control display is related both in content and timing to the broadcast programming. This combination of features is not present in, nor suggested by the prior art of record. Goldstein, for example, clearly requires use of the television broadcast cable transmission to present remote control displays to the user (see Columns 22-23). Likewise, Lappington clearly uses a “television signal 22” to transmit to the remote control (see Columns 8-9). More specifically, Lappington teaches that the data to be transmitted to the remote is inserted “into the vertical blanking interval (“VBI”) of the incoming television signal” (Column 8, lines 15-20). It is only when this “encoded” television signal reaches the set top box that the data for the remote is then “stripped” from the television signal and transmitted to the remote. (Column 8, lines 62-67). It is very clear, therefore, that the cited art of record does not teach nor suggest that the data transmission to the remote is to be “independent” from the television transmission. For example, if the television transmission were interrupted in Lappington, then so too would the interactive data transmission. Thus, the interactive data transmission relies upon

or is dependent upon the television data transmission. As such, Lappington teaches away from the presently claimed invention.

An early allowance is requested.

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October 13, 2005

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Thomas G. Scavone", written over a horizontal line.

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